

CITY OF WOODBURN

CITY COUNCIL AGENDA

JULY 10, 2006 – 7:00 P.M.

KATHRYN FIGLEY, MAYOR
WALTER NICHOLS, COUNCILOR WARD I
RICHARD BJELLAND, COUNCILOR WARD II
PETER MCCALLUM, COUNCILOR WARD III
JAMES COX, COUNCILOR WARD IV
FRANK LONERGAN, COUNCILOR WARD V
ELIDA SIFUENTEZ, COUNCILOR WARD VI

CITY HALL COUNCIL CHAMBERS – 270 MONTGOMERY STREET

- 1. CALL TO ORDER AND FLAG SALUTE**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS AND APPOINTMENTS**

Announcements:

- A. Music in the Park presents the Gail Gage Band on July 11, 2006 and Mollybloom on July 18, 2006. Both performances begin at 7:00 p.m.
- B. On July 20, 2006 from 3:00 to 5:00 p.m. a reception will be held in the Council Chambers to introduce Jim Allen, the new Community Development Director.
- C. The Basset Hound Games will take place on July 16, 2006 at Legion Park starting at 10:30 a.m., with registration at 8:30 a.m.
- D. The 23rd Annual National Night Out is August 1, 2006, 6:00 to 10:00 p.m. To register call the Woodburn Police Department at 982-2345.
- E. Volunteers needed! KaBOOM!, in conjunction with Home Depot, will be constructing a playground at Nelson Park on Greenview Drive on August 24, 2006, starting at 7 a.m. Volunteers are needed to identify local resources including food, tools, and more volunteers and plan and organize activities for kids who will be there on build day.

Habr  interpretes disponibles para aqu llas personas que no hablan Ingl s, previo acuerdo. Comun quese al (503) 980-2485.

- F. The filing period for Mayor and Council positions concludes on August 29, 2006 at 5:00 p.m. Positions to be voted upon at the November 7, 2006 general election are as follows:

Mayor – at-large position (2-year term)

Councilor - Ward III – (4-year term)

Councilor - Ward IV – (4-year term)

Councilor - Ward V – (4-year term)

Contact the City Recorder for filing information.

Appointments:

None

4. PROCLAMATIONS/PRESENTATIONS

Proclamations:

- A. National Night Out 2006

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Presentations:

- B. Water Management and Conservation Plan

5. COMMITTEE REPORTS

- A. Chamber of Commerce

- B. Woodburn School District

6. COMMUNICATIONS

None.

- 7. BUSINESS FROM THE PUBLIC** – *This allows the public to introduce items for Council consideration not already scheduled on the agenda.*

- 8. CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion at the request of a Council member.*

- A. Woodburn City Council minutes of June 26, 2006**

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Recommended Action: Approve the minutes.

- B. Planning Commission draft minutes of June 22, 2006**

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Recommended Action: Accept the draft minutes.

- C. Planning Tracking Sheet dated June 29, 2006**

22

Recommended Action: Receive the report.

- D. Building Activity June 2006** **25**
Recommended Action: Receive the report.
- E. Recreation Services Division Attendance Report June 2006** **26**
Recommended Action: Receive the report.
- F. Recreation Services Division Winter & Spring Revenue Report through June 2006** **27**
Recommended Action: Receive the report.
- 9. TABLED BUSINESS**
- None.
- 10. PUBLIC HEARINGS**
- A. Country Club Road Street Improvement** **28**
Recommended Action: Conduct public hearing, receive public comment, and direct staff to prepare an ordinance to substantiate its decision.
- 11. GENERAL BUSINESS** – *Members of the public wishing to comment on items of general business must complete and submit a speaker's card to the City Recorder prior to commencing this portion of the Council's agenda. Comment time may be limited by Mayoral prerogative.*
- A. Council Bill 2634 – Ordinance establishing a Police Training Assessment to be imposed in traffic violation cases** **41**
Recommended Action: Adopt the ordinance.
- B. Council Bill 2635 – Ordinance establishing policy for the provision of municipal sewer and water service to properties located outside city boundaries** **44**
Recommended Action: Adopt the ordinance.
- C. Memorandum of Understanding Concerning Amendments to Woodburn's Comprehensive Plan and Urban Growth Boundary** **48**
Recommended Action: Approve, and authorize the Mayor to execute, the Memorandum of Understanding Concerning Amendments to Woodburn's Comprehensive Plan and Urban Growth Boundary.
- 12. NEW BUSINESS**

- 13. PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS** – *These are Planning Commission or Administrative Land Use actions that may be called up by the City Council.*
- A. Planning Commission's Approval of Variance 06-08 located at 120 Smith Drive 52**
- B. Planning Commission's Approval of Sign Design Review 06-04 and Variance 06-02 located at 1800 West Hayes Street (Nellie Muir Elementary School) 54**
- 14. CITY ADMINISTRATOR'S REPORT**
- 15. MAYOR AND COUNCIL REPORTS**
- 16. ADJOURNMENT**

CITY OF WOODBURN NATIONAL NIGHT OUT 2006

WHEREAS, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on Tuesday, August 1st, 2006 called "**National Night Out**"; and

WHEREAS, the "**23rd Annual National Night Out**" provides a unique opportunity for the City of Woodburn to join forces with thousands of other communities across the country in promoting cooperative police-community crime, drug and violence prevention efforts; and

WHEREAS, all citizens of Woodburn play a vital role in assisting the Woodburn Police Department through joint crime, drug and violence prevention efforts in Woodburn and is supporting "**National Night Out 2006**" locally;

WHEREAS, it is essential that all citizens of the City of Woodburn be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drug abuse and violence in Woodburn; and

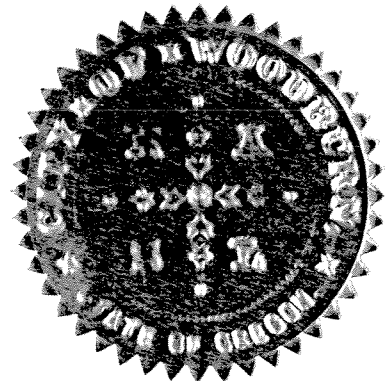
WHEREAS, police-community partnerships and neighborhood safety and awareness cooperation are important themes of the "**National Night Out**" program;

NOW, THEREFORE, I, MAYOR KATHY FIGLEY, do hereby call upon all citizens of Woodburn to join the Woodburn Police Department and the National Association of Town Watch in supporting the "**23rd Annual National Night Out**" Tuesday, August 1st, 2006.

FURTHER, LET IT BE RESOLVED THAT, I, MAYOR KATHY FIGLEY, do hereby proclaim Tuesday, August 1st, 2006 as "**NATIONAL NIGHT OUT**" in the City of Woodburn.


KATHRYN FIGLEY, MAYOR

7/5/06
DATE



COUNCIL MEETING MINUTES
JUNE 26, 2006

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READING

**0001 DATE. COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,
 COUNTY OF MARION, STATE OF OREGON, JUNE 26, 2006.**

0010 ROLL CALL.

Mayor	Figley	Present
Councilor	Bjelland	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Nichols	Present
Councilor	Sifuentes	Present

Staff Present: City Administrator Brown, City Attorney Shields, Public Works Director Tiwari, Police Chief Russell, Finance Director Gillespie, Public Works Manager Rohman, Interim Community Development Director Zwerdling, Recreation Services Manager Patterson, Asst. City Engineer Torgeson, Sr. Engineering Tech Scott, City Recorder Tennant

0050 ANNOUNCEMENTS.

A) Office Closures: City offices and the Library will be closed on Tuesday, July 4th, in observance of Independence Day. The Aquatic Center will be open from 1:00 p.m. until 4:00 p.m..

B) July 4th Independence Day Celebration: Festivities will be held at Centennial Park beginning at 5:00 p.m. with the 234th Army Band performing at 8:30 p.m. followed by a fireworks display at 10:00 p.m.. Mayor Figley stated that this year's event has been changed in that musical entertainment will begin at 5:00 p.m. with Bill Coleman & Friends followed by the Dance, Dance, Dance troop, then a performance by the 234th Army Band. Additionally, vendors will provide food and drinks this year rather than volunteers catering the event which previously kept food and drink prices very low. She encouraged the public to come and enjoy this annual event.

C) Library Summer Reading Program: This program will continue through July 2006 for children and program content includes performers, crafts, storytimes, games, puzzles, videos, and a weekly "Read to the Dog" program. The summer reading program for teens will end in mid-August.

D) Public Hearing will be held before the City Council on July 10, 2006, 7:00 p.m., City Hall Council Chambers, to consider the Country Club Road Local Improvement District (LID).

0180 PROCLAMATION: RECREATION AND PARKS MONTH.

Mayor Figley proclaimed the month of July 2006 as Recreation and Parks Month within the City and she urged community members to enjoy our City parks and to participate in recreation programs offered within our City.

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0303 **CONSENT AGENDA.**

- A) approve Council minutes of June 12, 2006;
- B) accept the draft Recreation and Park Board minutes of June 13, 2006;
- C) receive the Police Department Statistics report for May 2006; and
- D) receive the informational staff report regarding the telecommunications franchise with DataVision Communications.

LONERGAN/MCCALLUM... adopt the Consent Agenda as presented. The motion passed unanimously.

0360 **COUNCIL BILL NO. 2629 - ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2005-06.**

Council Bill 2629 was introduced by Councilor Sifuentez. Recorder Tennant read the two readings of the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2629 duly passed with the emergency clause.

0424 **COUNCIL BILL NO. 2630 - ORDINANCE ADOPTING A BUDGET FOR FISCAL YEAR 2006-07, MAKING APPROPRIATIONS, AND LEVYING TAXES.**

Councilor Sifuentez introduced Council Bill 2630. The two readings of the bill were read by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2630 duly passed with the emergency clause.

0497 **COUNCIL BILL NO. 2631 - RESOLUTION CERTIFYING CITY'S ELIGIBILITY TO RECEIVE STATE-SHARED REVENUES DURING FISCAL YEAR 2006-07.**

Councilor Sifuentez introduced Council Bill No. 2631. The bill was read by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2631 duly passed.

0546 **COUNCIL BILL NO. 2632 - RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FISCAL YEAR 2006-2007.**

Council Bill No. 2632 was introduced by Councilor Sifuentez. Recorder Tennant read the bill by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2632 duly passed.

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0595 COUNCIL BILL NO. 2633 - RESOLUTION ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH CHEMEKETA COMMUNITY COLLEGE FOR PARTICIPATION IN THE CHEMEKETA COOPERATIVE REGIONAL LIBRARY SERVICE (CCRLS).

Councilor Sifuentez introduced Council Bill No. 2633. The bill was read by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill No. 2633 duly passed.

0650 CONTRACT AWARD: HIGHWAY 214 SIDEWALK PHASE 2.

As noted in the staff report, this contract provides for an outside consultant to perform the design work for construction of a sidewalk on the north side of Highway 214 with a connection to Front Street. The City has received an ODOT bicycle-Pedestrian Grant in the amount of \$480,500 with the City's estimated project cost share being \$25,000.

BJELLAND/NICHOLS... award the contract to W&H Pacific, Inc., for consulting design services in connection with the Highway 214 Sidewalk-Phase 2 and authorize the City Administrator to execute an agreement for services in an amount not to exceed \$107,021.29. The motion passed unanimously.

0692 ODOT INTERGOVERNMENTAL AGREEMENT - HIGHWAY 214 SIDEWALK PHASE 3.

Traffic Enhancement funding in the amount of \$790,000 has been awarded by ODOT for the purpose of constructing a sidewalk on the north side of Highway 214 that will link the Phase 2 Sidewalk project to Progress Way. The City's matching funds will be approximately \$90,000.

BJELLAND/MCCALLUM... authorize the City Administrator to execute an Intergovernmental Agreement pertaining to Transportation Enhancement (TE) funding with Oregon Department of Transportation (ODOT). The motion passed unanimously.

0732 ENGINEERING REPORT: TOUT STREET IMPROVEMENT.

Public Works Director Tiwari presented the engineering report for the improvement of Tout Street which is currently a gravel road connecting South Front Street to Settlemier Avenue. The proposed improvement would provide for a 34-foot wide street with sidewalks and on-street parking on both sides of the street. It was noted that this improvement does not include a bike lane since it is a designated local street rather than an access street. The improvement also includes curb and drainage improvements. Properties within the proposed local improvement district (LID) abut Tout Street, however, the distribution of costs are dependent upon the lineal footage abutting the proposed improvement, the area of the property, and whether or not the property has direct access to Tout Street. The estimated cost for this project is \$113,400 of which the City's share would be \$81,900 with the balance of \$31,500 to be distributed to the property owners within the proposed LID. It was noted that the City's cost share is based on current City policy and includes budgeted General Fund money to be used towards

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improvement projects that would pave gravel streets within our community. Other City funds to be used would be from the Street Capital Improvement Fund, State Revenue Sharing, and Gas Tax. A breakdown of proposed costs to individual property owners was listed in the engineering report and Director Tiwari stated that staff is proposing that the amount listed be the maximum amount charged to each benefitted property owner and, property owners be allowed to repay their share of the cost over a 20-year period under the Bancroft Bond program since this is a gravel street improvement. The interest rate under the Bancroft program would not exceed ½ percent above the net effective rate of a bond sale and, based on current bond sale rates, the interest rate is estimated at 6.25%. He reminded the Council that property owners can pay off the assessment at anytime without an pre-payment penalties.

Councilor Lonerger questioned the current width of Tout Street versus the proposed width.

Director Tiwari stated that the gravel portion is currently 18-20 feet wide and the improved roadway would 34 feet which will allow for parking on both sides of the street.

COX/MCCALLUM... approve the engineering report as presented for Tout Street and direct staff to prepare a resolution of intent.

Councilor Cox stated that he realized that property owners do not like to pay additional dollars for improvements to the infrastructure in front of their property but it will have a direct benefit on the value of their property.

Director Tiwari stated that staff had talked to a real estate agent who indicated that the improvement would increase the property value by about 10%.

The motion passed unanimously.

1842 OLCC CHANGE OF OWNERSHIP APPLICATION: FONZIE'S DELI, 1585 N. Pacific Highway.

A change of ownership limited on-premise sales liquor license application was submitted by Pam D. Goyena DBA: Fonzie's Deli.

BJELLAND/LONERGAN... approve a change of ownership application for Fonzie's Deli.

On roll call vote, the motion passed 5-1 with Councilor Nichols voting nay.

1877 OLCC NEW OUTLET APPLICATION: WOODBURN GROCERY OUTLET, 1575 Mt. Hood Avenue.

A new outlet off-premises sales liquor license application was submitted by Eddie R. Ryker DBA: Woodburn Grocery Outlet.

COX/MCCALLUM... recommend to OLCC approval of a liquor license application for Woodburn Grocery Outlet.

On roll call vote, the motion passed 5-1 with Councilor Nichols voting nay.

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1921 LIABILITY, AUTO, PROPERTY, AND WORKERS' COMPENSATION
INSURANCE FOR FISCAL YEAR 2006-07.

NICHOLS/COX... authorize the City Administrator to execute liability, auto, property, and workers' compensation insurance contracts with City County Insurance Services (CIS) for fiscal year 2006-07. The motion passed unanimously.

1964 SITE LEASE AGREEMENT FOR ANTENNA ON WATER TOWER.

Staff recommended approval of the agreement which would allow for the placement of an antenna on the downtown water tower which would allow this non-profit agency to operate a low-power FM radio station (96.3) with programming similar to public radio which will target the Latino community. An FCC permit has been obtained and the new station (KPCN) must be on the air by November 17, 2006.

BJELLAND/SIFUENTEZ... approve and authorize the City Administrator to execute the attached site lease agreement with Pineros y Campesinos Unidos del Noreste, Inc. (PCUN) and Centro de Servicios para Campesinos, Inc..

Larry Kleinman, representing PCUN, thanked City Administrator Brown and Public Works Manager Rohman for their work on preparing the agreement before the Council. Adrian Valladares and Jose Morales briefly reviewed their vision which is to actively inform and educate people within the community along with their goal of engaging people to be more active within the community. On August 18-20, 2006, a celebration is planned to build (set-up) the radio station and to hopefully be on air on August 20th. Councilor Cox stated that he will vote in favor of this motion which seems like an interesting program and accomplishes the goals they are hoping to achieve. From the City's point of view, it will provide an additional small revenue stream in addition to the benefit of having another public communication method especially within the Latino community.

Councilor Bjelland stated that an interesting aspect to this project is that it will be broadcasted in not only Spanish but two other native languages which are most likely not normally heard over the radio.

The motion passed unanimously.

2268 REIMBURSEMENT AGREEMENT FOR SERVICES, MATERIALS, AND
PROJECTS.

Staff recommended the execution of the Reimbursement Agreement with the Woodburn Urban Renewal Agency for fiscal year 2006-07 which will facilitate the reimbursement of costs advanced by the City on budgeted projects and expenses.

NICHOLS/SIFUENTEZ... authorize Mayor to execute the reimbursement agreement as presented. The motion passed unanimously.

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2309 **MARION COUNTY PERIODIC REVIEW AGREEMENT.**

Administrator Brown stated that the draft Memorandum of Understanding (MOU) will need approval from the County but the Council, if they are in agreement with the City Attorney's report and they are in agreement with the principles outlined in the draft Memorandum of Understanding, could approve the MOU at this meeting.

City Attorney Shields briefly reviewed his report (Memorandum Opinion No. 2006-01) which addressed issues regarding a Council executive session to discuss the County's response to the periodic review amendments and the authority to enter into an agreement with private parties for payment of costs associated with a subsequent process. He explained the distinction between legislative and quasi-judicial proceedings.

Councilor Cox stated that if there is an increased population growth projection that allows the City to consider additional properties to add to the urban growth boundary, then anyone can submit an application which would then be reviewed on their own merits.

Attorney Shields stated that a quasi-judicial proceeding provides an advantage to the private party in that the timing and consultants are controlled by the private party.

Councilor Cox stated that he has had a change in his position on this issue since Attorney Shields has stated in his legal opinion that the Council could enter into reimbursement agreements with applicants. Additionally, based on the draft Memorandum of Understanding, the City's periodic review plan will be approved by the County Commissioners and then, as a separate matter, other issues brought up by the County will be addressed.

Administrator Brown stated that staff's point of view is that there is some conditionality involved. The motion adopted by the County stated that they would move the Periodic Review Plan forward but their staff needed to do a coordinated population projection change and they wanted the City to participate in a discussion regarding changing density standards. The County has also asked the Council to enter into the agreement.

Councilor Cox expressed his opinion that if the draft agreement is approved, the Council is, at least morally, committed to doing something but, before that is even done, the existing package before the County Commissioners will be approved and forwarded to the State. The County will then do their work in changing the population projections and, after that is completed, the City will receive and process applications to add specific properties to the urban growth boundary.

Attorney Shields referred to the draft agreement which has a provision in which the parties would bear their own costs which would mean that they would control their own applications and consultants and the City would facilitate the process.

Administrator Brown provided the Council with draft agreement proposals #1 and #2. Staff is recommending that the Council approve draft agreement #1 provided that any changes proposed by the County Commissioners are not substantial.

COX/MCCALLUM... authorize the Mayor to execute on behalf of the City the Memorandum of Understanding (version labeled #1) or something substantially equivalent to it, to resolve this issue.

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Councilor Bjelland referred to version #2 regarding the population projections and stated that the County is going to be required to do a coordinated population forecast with all of the cities in Marion County and he did not feel that the proposed language really added anything to the memorandum of understanding since that is something the County will need to do anyway. He also stated that a memorandum of understanding is to lay out the intents of the parties and feels that a statement saying that the City will consider amendments states the City's intent to do so.

Councilor Cox stated that the word undertake implies "pre-deciding to do it" and, according to quasi-judicial proceeding, the Council is not suppose to pre-decide anything. He had no objections to some changes in the wording within version #1 as long as it does not change the major substance of the document.

Councilor McCallum expressed his appreciation of the work of County and City staff and he hoped to achieve a win-win situation for everyone involved.

The motion passed unanimously.

3680 WEED AND SEED LETTER OF INTENT.

Recreation Services Manager Patterson stated that the Letter of Intent is the first step in the application process in order to become officially recognized by the Department of Justice as a potential location for grant funding. He also stated that the Department of Justice has specific guidelines that need to be followed and, as a part of the process, community meetings were held to identify strategies for reducing crime, violence, and gang activity within the City.

Councilor McCallum stated that the \$1 million grant covers a five-year period, however, he questioned what types of commitments the Department of Justice would expect from the community after the grant has ended.

Recreation Services Manager Patterson stated that there are some sustainability expectations in the grant process but the sustainability portion goes to the process of implementing the strategy through collaboration with other organizations and agencies to continue on with the Weed and Seed effort. He stated that Weed and Seed is a strategy and it can be as basic as a network of Neighborhood Watch organizations that utilize resources from the grant to target specific neighborhood renovations that would improve the neighborhood with the hope that it would reduce crime in that area, or it can be as complicated as having the County Probation Department in a longer lasting partnership with the City to follow up with juvenile delinquency probation expectations. The strategy would be to make better use of resources at the local level involving multiple agencies and organizations and the funding goes for those extra elements that could not be funded through that collaborative effort.

BJELLAND/MCCALLUM... approve a Letter of Intent to submit an application for the fiscal year 2007 Weed and Seed Grant. The motion passed unanimously.

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3996 KaBOOM PLAYGROUND EQUIPMENT REPLACEMENT AGREEMENT.

NICHOLS/LONERGAN... enter into a grant contract with KaBoom to replace the playground at Nelson Park. The motion passed unanimously.

Administrator Brown publicly recognized Recreation Services Manager Patterson for his work on this grant. The City had received notification of this grant the day before the deadline and Recreation Services Manager Patterson diligently worked on getting the application together and to create the relationships the City needed to obtain this grant.

4169 PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS.

A) Community Development Director's approval of Design Review 06-03: The approval allows for vehicle wholesale business on property located at 2885 National Way.

Councilor Cox briefly commented on his recollections from prior WDO committee discussions relating to allowable uses in the Industrial Park zone which focused on moving away from operations that were totally sales operations, however, sales operations would still be allowed as a conditional use. He questioned if this application is a conditional use.

Interim Director Zwerdling stated that the Commercial General zone includes Auto Sales as a conditional use. This applicant would be doing wholesale trade and they will not have customers coming to the site. The vehicles will be stored at this location and it will not include a sales office.

No action was taken by the Council on this land use issue.

4340 CITY ADMINISTRATOR'S REPORT.

A) Administrator Brown stated that the Capital Improvement Program (CIP) budget has included a grant funded line item over the last three years to dig out Hermanson Pond and to create a fishery and walking paths. Grant funds would be from the U.S. Dept. of Agriculture (USDA) in the amount of \$50,000. In discussions with the Recreation and Park Board, two issues of concern were brought forth: (1) playground equipment funding and (2) making sure staff stayed on top of the Hermanson Pond project. In looking at the status of the Hermanson Pond project, staff found that there was a tight timeframe in order to get the work done within the contract period. Additionally, engineering specifications needed to be developed in order to put the project out to bid and, once the engineering department looked at the project, it was found that the cost of digging the pond out was estimated to be \$175,000. Staff has been working with the USDA and they are willing to allow the City to keep the grant and try to do some limited amount of work in the area of the pond such as removing some non-native grasses and then replanting it with native species. The timeframe has not been removed and the USDA is expecting the City to provide plans towards the first of the month since it will still need to go out to bid. He stated that there is a strong possibility that the grant may need to go back USDA in the event the City cannot get what needs to be done within the established timeframe.

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Councilor Bjelland stated that a developer was required to do a portion of the Hermanson Pond project as part of a mitigation effort and he questioned if that was ever accomplished.

Administrator Brown stated that the Luckey Company did complete their piece of the project even though it took a long time to get it completed.

2) Administrator Brown informed the Council that a Retirement Celebration will be held for Library Director Linda Sprauer on Friday, June 30, 2006, City Hall Council Chambers, between 2:00 pm and 5:00 pm.

4795 **MAYOR AND COUNCIL REPORTS.**

Councilor Nichols wished all members of the community a safe and enjoyable holiday. Councilor McCallum thanked the community for their great effort in Relay for Life and the Council, senior management, and participating employees for their support. This year's goal set by the Committee was \$88,000, the goal set by co-chairs James & Gina Audritsh was for \$100,000, and the amount raised to date was over \$112,000.

Councilor Sifuentez stated that she had received an invitation from George Fox University to submit a proposal to them outlining specific volunteer projects their staff and students could do for local communities. This year's volunteer date is scheduled for September 6, 2006 and she urged staff to see what, if any, projects could be submitted to the college for their consideration.

Councilor Cox questioned when the United Disposal Franchise is scheduled to come back before the Council.

Administrator Brown stated that staff had put an article in the recent City Newsletter on the proposed recycling program and staff will bring back information once data has been gathered in addition to any information United Disposal can provide on current can size usage within the City.

Mayor Figley reiterated that the Relay for Life event is a reminder of how many community members are cancer survivors, how their life has been prolonged and the quality of their lives enhanced through the efforts of our community.

She also encouraged community members to come out to Centennial Park to enjoy the evening program and the fireworks display.

Mayor Figley stated that there would not be an Executive Session.

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5406 **ADJOURNMENT.**

MCCALLUM/NICHOLS... meeting be adjourned. The motion passed unanimously.
The meeting adjourned at 8:18 p.m..

APPROVED _____
KATHRYN FIGLEY, MAYOR

ATTEST _____
Mary Tennant, Recorder
City of Woodburn, Oregon

WOODBURN PLANNING COMMISSION MEETING MINUTES
June 22, 2006

CONVENED The Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Lima presiding.

Chairperson Lima questioned members of the Planning Commission having potential conflicts such as family, financial, or business relationship with any of the applicants or with regard to the project in question. If such a potential conflict exists, he asked whether the commission in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during the case.

Chairperson Lima announced: agenda is available at the back of the room. We will consider cases one at a time according to the order listed in the agenda. We will follow the hearing procedure outlined on the public hearings procedures board. All persons wishing to speak are requested to come to the podium and give their name and address. Any individuals speaking from other than the podium will not be recognized.

Chairperson Lima invited Commissioner Jennings to lead in the salute to the flag.

ROLL CALL

Chairperson	Lima	P
Vice Chairperson	Bandelow	P
Commissioner	GrosJacques	P
Commissioner	Vancil	P
Commissioner	Grigorieff	P
Commissioner	Hutchison	A
Commissioner	Jennings	P

Staff Present: Naomi Zwerdling - Interim Community Development Director
 Breah Pike-Salas – Associate Planner
 Marta Carrillo – Administrative Assistant

MINUTES

A. Woodburn Planning Commission Meeting Minutes of May 11, 2006.

Commissioner GrosJacques moved to accept the minutes as written. Vice-Chairperson Bandelow seconded the motion, which unanimously carried.

BUSINESS FROM THE AUDIENCE

- A. Introduction of new Assistant City Attorney, Jonathan Stuart by City Attorney, Bob Shields.

Bob Shields introduced Jon Stuart with a brief overview of his background. He would be available for the Planning Commission when required for legal advice.

COMMUNICATIONS

- A. Woodburn City Council Meeting Minutes of April 24, 2006
- B. Woodburn City Council Meeting Minutes of May 8, 2006
- C. Woodburn City Council Meeting Minutes of May 22, 2006
- D. Special Woodburn City Council Meeting Minutes of May 24, 2006

PUBLIC HEARING

- A. Design Review 06-04 & Variance 06-02, Request for sign design review approval for a pole sign (incorporating a readerboard) on the property located at 1800 West Hayes Street (Nellie Muir Elementary School). The applicant requests variances to Section 3.110 of the Woodburn Development Ordinance to allow for a pole sign in the P/SP zone; to allow the proposed pole sign to exceed 6 feet in height; and to allow for internal illumination of the proposed pole sign, Woodburn School District, applicant.

Associate Planner Pike-Salas read the applicable ORS.

Interim Community Development Director Zwerdling proceeded with the staff report with a powerpoint presentation.

Interim Community Development Director Zwerdling stated the following:

The applicant and the property owner is Woodburn School District and the Woodburn School District is requesting Sign Design Review to place a pole sign on the subject property and would incorporate a reader board on the property located at 1800 W. Hayes St. The location is Nellie Muir Elementary School. The applicant is requesting variance approval to section 3.110 of the WDO to allow for a pole sign in the Public/Semi-Public (P/SP) zone to allow for the pole sign to exceed the 6-foot maximum height in that zone and allow for a 12-foot tall sign and to allow for internal illumination of the sign.

Slide # 1

This provides a site plan of the zoned property as P/SP and location of Nellie Muir Elementary School.

The property located to the North across W. Hayes St. is zoned Medium Density Residential (RM) and is the location of a mobile home park. The property located to the South is part of Marion County and zoned Urban Transition Farm (UTF). The properties located to the West of the subject are zoned Retirement Community Single Family Residential (R1S) and are the location of single-family dwellings. The property located to the East of the subject site is zoned Single Family Residential (RS) and is the location of a church.

Slide #2

The Woodburn School District is proposing to remove a 54 sq. ft. reader board sign, which is currently located on the North of the building on the subject site and want to

place a pole sign on the front of the site. It would be located to the south of W. Hayes St. and West of the existing parking lot on the North part of the building in a landscaped area.

The applicant met all of the applicable review criteria in the code with the exception of a variance to allow for the pole sign, allow the pole sign to exceed the 6-foot height requirement and allow for internal illumination. The variances were discussed in detail in the staff report.

- They are proposing a pole sign due to a parking lot on the North side of the site adjacent to W. Hayes St. and having the sign at 12 feet in height it allows for individuals to read the sign and it will not be blocked by parked vehicles for traffic heading West on W. Hayes St.
- They are proposing that the sign be internally illuminated so that the information on the sign can be read at night by the public. The sign will be oriented facing West to East and will be double sided for easier visibility from both directions. The existing wall sign, pictures shown were included in the packet, indicates the distance. They are trying to convey the information better for the public.
- The illumination of the sign will not face towards the residential properties across from W. Hayes St., which is the mobile home park, but will be oriented towards the street. There are two large modular buildings and a large field that separates the sign from the residential zone property on Cascade Dr. The internal illumination should not negatively impact either of the properties.
- The proposed pole sign is located outside the 10-foot vision clearance triangle as required by WDO and also located more than 5 feet from the property line.

It did meet all the requirements in regards to the design review. Sign Design Review is required because it is a pole sign; had it been a monument sign it would not be an issue.

The application does trigger variance approval from the Planning Commission.

Staff is recommending approval of the applicant's Design Review and Variance request subject to the conditions of approval listed in the staff report.

Interim Community Development Director Zwerdling reviewed the slideshow presentation indicating what each side represents.

Slide #3

This shows the proposed sign location.

Slide #4

This shows what the sign will look like and the bottom portion would have the reader board incorporated.

Slide #5

This shows the existing monument sign on the site. The applicant is proposing to retain this sign and they are allowed to have two (2) monument signs on the site and conform with WDO.

Slide #6

This shows the wall sign that will be removed from the site.

Slide #7

This shows the distance of the sign from the road.

Interim Community Development Director Zwerdling concluded her presentation and became available for questions.

Commissioner GrosJacques asked about a large hedge located by the mobile home park and across from the subject site.

Interim Community Development Director Zwerdling stated that there does exist a large arborvitae hedge that completely encircles the mobile home park with a few openings.

Vice-Chairperson Bandelow asked about the height of the pole being 12 feet tall and total height including the sign and being similar to other schools in the area.

Interim Community Development Director Zwerdling stated that the maximum height of 12 feet does include the sign and it will be identical to the signs at other schools.

Chairperson Lima asked the applicant to approach the podium for testimony.

Lauren Stanley, Maintenance Supervisor for Woodburn School District, applicant, stated that several years ago a reader board sign, which was on the proposed location began to fail and then was replaced with the existing reader board and mount it on the side of the building. There have been issues with the mounted reader board due to visibility from the street and blocked by vehicles and buses, during times when it is most important for the public. The new sign would bring better communication to the public and in a safer manner.

Chairperson Lima invited proponents of the application. None.

Chairperson Lima invited opponents of the application. None.

Chairperson Lima closed the hearing and opened for discussion amongst the Planning Commission.

Vice-Chairperson Bandelow commented that both reader and post signs are consistent with the other schools in the area.

Vice-Chairperson Bandelow made a motion to approve Design Review 06-04 and Variance 06-02 with staff's facts and findings to support the decision, seconded by Commissioner Grigorieff.

ROLL CALL

Chairperson	Lima	yes
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	yes
Commissioner	Vancil	yes
Commissioner	Grigorieff	yes
Commissioner	Hutchison	---
Commissioner	Jennings	yes

Interim Community Development Director Zwerdling commented that a Final Order for approval of Design Review 06-04 and Variance 06-02 has been prepared.

Commissioner Vancil moved to accept the Final Order for approval of Design Review 06-04 and Variance 06-02, Commissioner GrosJacques seconded the motion, which passed unanimously.

- B. Variance 06-01, Request variance approval to reduce the side yard setback adjacent to the street (Workman Drive) from 20 feet to 14.75 feet to allow for the expansion of an existing garage towards the rear of the subject property located at 120 Smith Drive, Wallace W. Lien, applicant.

Chairperson Lima requested exparte contacts, conflict of interest, challenges or declarations.

Associate Planner Pike-Salas made a correction to the case file number. Variance 06-01 is actually Variance 06-08.

Associate Planner Pike-Salas read the applicable ORS.

Commissioner Vancil made a declaration that he is a resident of the neighborhood and does not have any financial interest or conflicts.

Vice-Chairperson Bandelow made a declaration that she is a resident of the neighborhood and does not have any financial interest or conflicts.

Associate Planner Pike-Salas proceeded with the staff report with a powerpoint presentation.

The nature of the variance is to reduce the side yard setback adjacent Workman Dr. from 20 feet to 14.75 feet to allow for the expansion of the garage towards the rear of the property.

Slide #1

The site plan shows the subject site, which is located at 120 Smith Dr. and is within the single family residential (RS) zone. The proposed garage will not have vehicle access off Workman Dr., but rather a pedestrian access.

Slide #2

The aerial photo shows the carport and where the proposed garage expansion is located. The proposed design and placement of the garage expansion will allow greater security for the applicant by allowing more storage and increased vehicular parking within the garage.

Based on the findings in the staff report, the applicable review criteria and the information provided in the application findings necessary for approval of Variance 06-08 can be made and staff recommends approval of Variance 06-08.

Associate Planner Pike-Salas was then available for questions.

Vice-Chairperson Bandelow asked about the 14 feet reduction being to the curb or the lot line at the property.

Interim Community Development Director Zwerdling stated that the reduction would be on the south side of the property. The reduction of the setback will allow for the 14.5 feet or more to the curb. Taken from the property line and being fully improved and then it will be reduced from 20 feet to the 14.5 feet.

By viewing the South face of the carport you can notice there is 20 feet of driveway, but when it gets improved and a sidewalk is installed, the situation would be that the vehicle would not have the full 20 feet to have an overhang on the sidewalk.

The situation of this property when working with the applicant and a second garage entrance and driveway are on the property on Smith Dr. The expansion would be for additional vehicle storage connected to the existing garage. The garage would not have a garage door. Only a pedestrian entrance would be provided. It also has a looped driveway. The garage requirements for a 20x20 parking pad is being met by the primary building entrance.

There are some unique factors on this variance.

Chairperson Lima invited the applicant for testimony.

Wally Lien, Attorney and applicant, 1775 32nd Place, NE, Salem. He is representing David Emmenegger who is the property owner of 120 Smith Dr., Woodburn, OR.

He stated that it was 21 ½ feet from the curb to the existing site plan. The property line is about 6' from the curb. The key for the property owner is keeping the site lines and the building the same and extend the garage. He also intends to match the siding and paint to the structure.

The design proposed is similar to the surrounding properties.

This will not change nor impact the visual nature of the structure. The property owner's primary concern is theft prevention. The garage allows for his property to be more secured.

Chairperson Lima asked the applicant if there was any opposition from the neighbors.

Lien stated that there was one concern about the CC&R's on the property. He would reply to the concerned neighbor after reviewing the requirements of the CC&R's and their procedures.

Vice-Chairperson Bandelow stated that the CC&R's were in existence and with no active Home Owners Association and from surrounding neighbors' information, the time frame for renewing the CC&R's had been exceeded.

Chairperson Lima asked if there were questions to the applicant.

Chairperson Lima invited proponents of the application. None.

Chairperson Lima invited opponents of the application. None.

Chairperson Lima closed the hearing and opened for discussion amongst the Planning Commission.

Commissioner Vancil commented that the property had done a full renovation of the property in the last five years.

Vice-Chairperson Bandelow commented that setbacks in the area are about 13' from the curb to the lot line, since most of the streets curve and this seems to be a reasonable solution.

Commissioner Jennings made a motion to approve Variance 06-08 with staff's facts and findings to support the decision, seconded by Commissioner GrosJacques.

ROLL CALL

Chairperson	Lima	yes
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	yes
Commissioner	Vancil	yes
Commissioner	Grigorieff	yes
Commissioner	Hutchison	---
Commissioner	Jennings	yes

Interim Community Development Director Zwerdling commented that a Final Order for approval of Variance 06-08 has been prepared.

Commissioner Vancil moved to accept the Final Order for approval of Variance 06-08, Commissioner GrosJacques seconded the motion, which passed unanimously.

Chairperson Lima opened the public hearing CPMA 04-02, ZC 04-03, CU 04-10, DR 05-03 and SDR 06-06.

- C. The applicant requests a Comprehensive Plan Map Amendment from "Industrial" to "Commercial," Zone Change from "Light Industrial" to "Commercial General," Conditional Use and Design Review to allow an auto dealership (auto display and parking) for the properties located south of Newberg Highway, east of South Woodland Avenue and north and west of Interstate 5 (T5S, R2W, Section 11, Tax Lots #106 and #107). The

applicant also requests Sign Design Review approval to allow for two pole signs to be located on the subject properties, Wallace W. Lien, applicant.

Chairperson Lima requested exparte contacts, conflict of interest, challenges or declarations.

Commissioner GrosJacques commented that he has been a personal acquaintance of the applicant, Mr. Hillyer, but will not affect any decision-making.

Challenge:

Julia Yates, Law Offices of Kelley, Kelley & Doyle, 110 N. 2nd, Silverton, OR. She presented a challenge to testimony to the evidentiary hearing for the above case file. The challenge is on the staff report, which was issued two days prior. The WDO states that staff reports be made available seven (7) days prior to the hearing. The request is that the hearing be postponed to allow time to make a meaningful review of the staff report.

Interim Community Development Director Zwerdling stated that the staff report was not available seven (7) days. Staff spoke with the applicant and advised about allowing the challenger the amount of time required due to the lengthy and complex report.

The options on the request by the challenger are: 1. to continue the hearing to the next Planning Commission hearing date, which is July 13, 2006 or 2. to conduct the hearing and leave the record open for seven (7) days, allow seven (7) days for additional evidence by challenger and attorney can make a rebuttal. The applicant has agreed with options and there is not a 120-day rule on the application therefore the time frame will not be exceeded. This also gives the challenger ample time to review the report and provide feedback or testimony.

Chairperson Lima asked if any hearings were scheduled for July 13, 2006.

Interim Community Development Director Zwerdling stated that one item is on the agenda to be presented for the July 13, 2006 Planning Commission meeting.

She also stated that the public hearing can be conducted tonight by reading the ORS, presenting the report, closing the hearing, and leaving the record open or the public hearing can be continued to the next Planning Commission meeting.

The applicant has indicated that either option would be suitable.

Even though the challenger's request is to postpone, instead by specifying a time and date for the hearing to be held, there is not a need to re-notice, re-publish and re-post, for a meeting date and additional cost.

Staff's preference is to set a specific hearing time and date.

Commissioner Jennings commented he would prefer to open and conduct the hearing tonight instead of asking the applicant to return on a new hearing date and time.

Interim Community Development Director Zwerdling stated that part of the ORS seven (7) day prior to a hearing allows the challenger that time to present new evidence.

Consulting with legal council on this item there would be two (2) separate hearing dates, if opened and conducted tonight and the second hearing would be with City Council with another 20-day notice of public hearing and publishing requirement. This will allow for a de novo hearing where new evidence can be presented and submitted.

On an additional note, by continuing the hearing it would be an item on the July 13, 2006 Planning Commission meeting. And if the public hearing is conducted tonight and the record is left open, then it would be placed on the hearing to July 27, 2006 Planning Commission meeting because of the 21-day time frame allowance from leaving the record open.

Vice-Chairperson Bandelow stated that hearing the testimony in one hearing would be best and wanted the hearing to be continued to the July 13, 2006 Planning Commission meeting. She would make a better decision receiving all the information at once instead of in two separate hearings several weeks apart. A continuance would also make it a speedier hearing for the applicant.

Commissioner Vancil stated that he agreed with Vice-Chairperson Bandelow and felt that it would be difficult to listen to partial information tonight and partial at a later time. He would rather hear all the information at one time.

Interim Community Development Director Zwerdling stated that the challenger is the only audience at the hearing and would be the only one to provide additional evidence or testimony.

Commissioner Grigorieff commented that she agreed with the other two commissioners by allowing the challenger additional time to submit evidence instead of in two separate hearings.

Chairperson Lima commented that since the applicant agrees with the option to continue, he would also like to have the hearing be continued.

Commissioner Vancil made a motion to continue the public hearing for Comprehensive Plan Map Amendment 04-02, Zone Change 04-03, Conditional Use 04-01, Design Review 05-03 and Sign Design Review 06-06 to the July 13, 2006 Planning Commission meeting, seconded by Commissioner GrosJacques.

ROLL CALL

Chairperson	Lima	yes
Vice Chairperson	Bandelow	yes
Commissioner	GrosJacques	yes
Commissioner	Vancil	yes
Commissioner	Grigorieff	yes
Commissioner	Hutchison	---
Commissioner	Jennings	no

Chairperson Lima stated that it had been noted that Commissioner Jennings voted against the continuance and the majority had approved the continuance for the July 13, 2006 Planning Commission meeting. Motion passed to continue the public hearing.

ITEMS FOR ACTION

None.

DISCUSSION ITEMS

None.

REPORTS

- A. Building Activity Report for May 2006. No comments made.
- B. Planning Tracking Sheet.

Chairperson Lima commented about the single hearing for July 13, 2006 according to the tracking sheet.

Associate Planner Pike-Salas stated that the item scheduled for July 13th is Design Review 06-02, Mihai Talvan is the applicant and he is requesting to build a distillery plant in an Industrial zone.

The applicant wants to start with a line of brandy and may expand in the future.

BUSINESS FROM THE COMMISSION

Commissioner Jennings asked about the property north of the Hillyer Ford property.

Interim Community Development Director Zwerdling stated that the angle of the freeway is curved. According to the location map the location is West and North right at the curve.

Assistant City Attorney Stuart stated that the legal description should be left for the continuance of the hearing scheduled on July 13, 2006.

Chairperson Lima asked if the Planning Commission had other business to discuss.

ADJOURNMENT

Commissioner Jennings moved to adjourn the meeting. Commissioner GrosJacques seconded the motion, which unanimously carried. Meeting adjourned at 8:00 pm.

APPROVED _____
CLAUDIO LIMA, CHAIRPERSON Date

ATTEST _____
Naomi Zwerdling Date
Interim Community Development Director
City of Woodburn, Oregon

PLANNING PROJECT TRACKING SHEET
Revised 6/29/06

Project	Applicant	Project Description	Date Received	Deemed Complete	120-Day Date	Planner	Referrals	Facilities Meeting	Mail Notice for PC	Notice to Paper	Post Property	Stf Rpt Due	PC Hearing	Final Order Due	PC Final Order	Mail Notice for CC	Notice to Papers	Post Property	Stf Rpt Due	CC Hearing	Ord Due	CC Ord. Adoption	Appeal Ends
CPA 04-02, ZC 04-03, CU 04-10, PLA 04-08, DR 05-03, SDR 06-06	Wallace Lien	Comp. Plan Change, Zone Change, Conditional Use, Design Review and Sign Design Review to allow for a car sales lot (Hilliers Mid-City Ford) at 300 S. Woodland Ave.	10/25/2004	Incomplete 11/19/04 Complete 2/3/06	NA	Naomi	2/3/2006	2/14/2006	6/2/2006	6/2/2006	6/12/2006		6/22/2006 Continued to 7/13/06										
DR 05-14	Guy Worden	Construct two new buildings (12,050 sf total) at 610 N. Pacific Hwy.	12/8/2005	Incomplete 1/6/06		Breah																	
DR 06-02	Mihal Talvan	Construct a 3,888 square foot distillery, Lill'Bit Distillery, Inc., at 1501 Industrial Avenue in the IP zone.	3/3/2006	Complete 3/30/06	7/28/2006 extended until 9/25/06	Breah	3/30/2006	4/13/2006	6/23/2006	N/A	7/2/2006		7/13/2006										
DR 06-08	Wallace Lien	Variance to 20-foot setback requirement from the property line abutting Workman Drive at 120 Workman Drive.	3/29/2006	Incomplete 4/17/06 Complete 5/11/06	9/8/2006	Breah	5/11/2006	5/30/2006	6/2/2006	N/A	6/12/2006		6/22/2006	6/22/2006									7/5/2006
DR 06-03	Copart, Inc.	Improve site for vehicle wholesale at 2885 National Way.	4/6/2006	Incomplete 4/17/06 Complete 5/09/06	9/6/2006	Breah	5/9/2006	5/19/2006	NA	NA	N/A	6/22/2006	NA										7/4/2006
PAR 06-02 VAR 06-05	Thomas Pierce	Proposed 3-lot partition at 1645 West Hayes Street and Variance to the street standards on West Hayes Street.	4/10/2006	Incomplete 5/9/06		Jason																	

PLANNING PROJECT TRACKING SHEET
Revised 6/29/06

Project	Applicant	Project Description	Date Received	Deemed Complete	120-Day Date	Planner	Referrals	Facilities Meeting	Mail Notice for PC	Notice to Paper	Post Property	Str Rpt Due	PC Hearing	Final Order Due	PC Final Order	Mail Notice for CC	Notice to Papers	Post Property	Str Rpt Due	CC Hearing	Ord. Due	CC Ord. Adoption	Appeal Ends
DR 06-04 VAR 06-02	Woodburn School District	Sign Design Review and Variance to allow for a 32 square foot pole sign at Nellie Muir Elementary School located at 1800 West Hayes Street	4/27/2006	5/26/2006	9/22/2006	Naomi				6/2/2006	N/A	6/12/2006		6/22/2006									7/5/2006
DR 06-06 VAR 06-03	John & Delisa Baker	Design Review of a 50,000 square foot two story office building and Variance to street improvements on Progress Way for the property located at 1385 Mt. Hood Avenue.	5/11/2006	Complete 06-10-06	10/8/2006	Jason	6/30/2006	7/7/2006															
PAR 06-03 VAR 06-06	T E & D Development	Partition of the property located at 917 Cascade Drive into 3 single family residential lots and Variance to the lot orientation of the proposed lot #1.	6/2/2006			Jason																	
DR 06-07	Ken Rasmussen (Woodburn School District)	Administrative Design Review of a parking lot expansion (85 parking spaces) located to the west of the Hazelnut Drive access entrance to the Woodburn High School located at 1785 N. Front Street.	6/2/2006			Naomi																	
PAR 06-04 VAR 06-07	Evan Nyfloreff	Partition property into 3 parcels at 847 N. Cascade Drive and Variance to street improvements for N. Cascade Drive	6/13/2006			Jason																	

PLANNING PROJECT TRACKING SHEET
Revised 6/29/06

Project	Applicant	Project Description	Date Received	Deemed Complete	120-Day Date	Planner	Referrals	Facilities Meeting	Mail Notice for PC	Notice to Paper	Post Property	St/ Rpt Due	PC Hearing	Final Order Due	PC Final Order	Mail Notice for CC	Notice to Papers	Post Property	St/ Rpt Due	CC Hearing	Ord Due	CC Ord. Adoption	Appeal Ends
Urban Renewal Program		Urban Renewal District approved by voters on 3/12/02				John Naomi																	
LA 05-01 Periodic Review Task Completion		Periodic Review tasks are complete				Naomi			1/14/2005	1/14/2005	N/A		2/3/2005		3/10/2005	N/A	N/A	N/A		3/28/2005			

CITY OF WOODBURN
Community Development

MEMORANDUM

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5250

Date: July 3, 2006
To: John Brown, City Administrator
From: Building Division
Subject: Building Activity for June 2006

	2004		2005		2006	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
New Residence Value	7	\$1,478,958	4	\$821,899	15	\$3,190,413
Multi Family	0	\$0	0	\$0	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	5	\$36,932	4	\$60,980	6	\$77,197
Industrial	1	\$850,000	0	\$0	0	\$0
Commercial Value	17	\$1,598,410	12	\$653,830	15	\$702,630
Signs, Fences, Driveways	6	\$17,672	4	\$22,756	0	\$0
Manufactured Homes	3	\$73,500	1	\$4,700	1	\$30,000
TOTALS	39	\$4,055,472	25	\$1,564,165	37	\$4,000,240
Fiscal Year (July 1- June 30) to Date		\$33,962,281		\$27,514,966		\$41,631,013

Recreation Services Division Attendance Report

June-06

Attendance	Service Hours	Total Recreation Units (Attendance X Service Hours)
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Youth Services

After School Club - LINCOLN	756	64	48384
After School Club - WASHINGTON	682	64	43648
Teen Scene - LEGION	564	64	36096
Teen Scene - SETTLEMIER	378	64	24192
Summer Day Camp	230	40	9200
Total Youth Services	2610		161520

Youth Sports

Girl's Softball	89	6	534
Other - Indicate	0	0	0
Total Youth Sports	89		534

Youth Classes

Dance Dance Dance	20	15	300
Other - Indicate	0	0	0
Total Youth Classes	20		300

Adult Services

Active Adult Trip(s)	0	0	0
Adult Softball	800	24	19200
Adult Soccer	1600	48	76800
Total Adult Services	2400		19200

Special Events

Other - Indicate	0	0	0
Other - Indicate	0	0	0
Total Special Events	0		0

Other Services

Athletic Field Rentals	0	0	0
Indicate	0	0	0
Indicate	0	0	0
Total Other Services	0		0

TOTALS:	5119		181554
	Attendance		Total Recreation Units

Recreation Services Division Winter & Spring Revenue Report

> Revenues through June 30, 2006

Category	YTD Revenue	% of Anticipated Budget	WRPD Anticipated Revenues for FY05-06	June 2006 Revenue
Youth Sports	\$ 26,034.00	155.4%	\$ 16,750.00	\$ 920.00
After School Club	\$ 38,547.00	111.7%	\$ 34,500.00	\$ -
Summer Day Camp	\$ 22,930.00	81.6%	\$ 28,095.00	\$ 17,690.00
Contractual Services	\$ 20,532.00	311.1%	\$ 6,600.00	\$ 1,160.00
Adult Programs / Adult Field Rentals	\$ 17,746.00	52.2%	\$ 34,000.00	\$ 24.00
Teen Scene	\$ 471.00	471.0%	\$ 100.00	\$ -
	\$ 126,260.00	105.2%	\$ 120,045.00	\$ 19,794.00

Sponsorships	\$ 5,400.00	54%	\$ 10,000.00
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* \$5400 Committed from Land O Frost

July 3, 2006

TO: Honorable Mayor and City Council through City Administrator
FROM: Public Works Director
SUBJECT: **Public Hearing on Country Club Road Street Improvement**

RECOMMENDATION:

Conduct public hearing, receive public comment, and direct staff to prepare an ordinance to substantiate its decision.

BACKGROUND:

The City Council initiated the LID process for Country Club Road street improvements, instructed staff to prepare the engineering report, which has been reviewed and approved. Council proceeded with the LID process by adopting the resolution of intent to improve. The resolution of intent to improve established this meeting, July 10, 2006, as the date to receive public input from the benefited property owners in the LID.

The public hearing was properly published in the local newspaper in accordance with Ordinance No. 2105. In addition to the legal requirements of notification, notice of the hearing was sent by regular mail to the benefiting property owners of record. In addition, the benefited property owners were provided the opportunity to come to an informational meeting held at the water treatment facility on Country Club Road. This open informational meeting was held on July 6, 2006, between the hours of 4:00 pm and 6:00 pm.

After the public hearing has been closed, a determination needs to be made if written remonstrances have been received from the owners of a majority of the land within the LID. Based on this determination, the City Council will be presented with a set of options that the council may consider in their future decision-making.

Agenda Item Review: City Administrator  City Attorney  Finance 

DISCUSSION:

City Engineer will provide a brief review of the presentation previously viewed by council with the engineering report.

FINANCIAL IMPACT:

There is no financial impact associated with the recommended action

Attachments

1. Outline of LID process
2. Resolution of Intent to Improve

PROCESS FOR LOCAL IMPROVEMENT DISTRICT (LID)

1. **PROJECT INITIATION:** Project is initiated by petition or by action of the City Council
2. **RESOLUTION AUTHORIZING AN ENGINEERING REPORT:** City Council, by approval of a resolution, directs staff to prepare an engineers report for the improvement
3. **ENGINEERING REPORT APPROVAL:** Engineers report contains, project need, method of assessment, cost estimate based on preliminary engineering, Local Improvement District (LID) boundary. The City Council may at this stage direct staff to prepare a "Resolution of Intent to Improve".
4. **RESOLUTION OF INTENT TO IMPROVE:** LID boundary and assessments are defined for public process. Public hearing date set with council approval of resolution.
5. **ADVERTISEMENT OF PUBLIC HEARING:** The City Recorder gives notice meeting legal requirements of advertising for public hearing.
6. **PUBLIC HEARING:** City Council holds a public hearing on the project and receives input from the affected property owners. If, at the time of hearing, written remonstrances are received from the owners of majority of land within the LID, consideration of the LID must be suspended for six months. WE ARE HERE ←
7. **CITY COUNCIL DECISION:**
 - a. Direct staff to prepare an assessment ordinance
 - b. Direct staff make modifications to the LID
 - c. Abandon or postponement of the LID
8. **ADOPTION OF THE ASSESSEMENT ORDINANCE:** Funding defined.
9. **COMPLETION OF FINAL ENGINEERING:** Final engineering plans, specifications and contract documents are completed.
10. **ADVERTISEMENT FOR BIDS AND BID AWARD:** The project is advertised and bids are received. The City Council reviews staff recommendation and awards the contract for construction to the lowest responsible bidder. (Note: City may receive bids earlier but contract award can not take place until assessment ordinance has been adopted)
11. **CONSTRUCTION ACTIVITIES:** Construction takes place under the supervision of the City Engineer. (Note: This is the time when the public sees project action)
12. **FINAL ASSESSMENT ORDINANCE:** Upon completion of the improvements the final assessment process is followed. The process requires another public hearing and explanation of payment plan time lines.

Revised 5/16/03

COUNCIL BILL NO. 2628

RESOLUTION NO. 1834

A RESOLUTION OF INTENT TO IMPROVE COUNTRY CLUB ROAD FROM BOONES FERRY ROAD TO ASTOR WAY, ADOPT THE LOCAL IMPROVEMENT DISTRICT, ADOPT THE METHOD OF ASSESSMENT, ESTABLISH A PUBLIC HEARING DATE AND DIRECT THE CITY RECORDER TO GIVE NOTICE.

WHEREAS, the City Council considers the improvement of Country Club Road from Boones Ferry Road to Astor Way to be necessary and beneficial; and

WHEREAS, The City Council has authority to initiate the Local Improvement District improvement and procedure process as per Ordinance No. 2105, and

WHEREAS, The City Council by adopting Resolution No. 1530, instructed the City Engineer to prepare the engineering report for the improvements; and

WHEREAS, the City Council reviewed and approved the engineering report on the improvement of the Country Club Road on May 22, 2006; **NOW, THEREFORE**,

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:

SECTION 1. INTENT TO IMPROVE

The City Council deems it necessary and hereby declares its intention to order the following improvements of Country Club Road between Boones Ferry Road and Astor Way. Country Club Road is to be improved in accordance with the Woodburn Transportation Plan (TSP) as a Access Street with Bike Lanes both sides. This cross section as identified in the TSP provides two travel lanes, no on-street parking, Bike Lanes and sidewalks both sides. The improvement will be complete with curbs, drainage improvements, street lighting and undergrounding the existing overhead utilities.

SECTION 2. PROPOSED METHOD OF FUNDING:

The funding mechanism to accomplish this project includes the following:

A. CITY SUPPORT:

Budgeted approved funds for the improvement of Country Club Road.

B. ASSESSMENT AGAINST BENEFITING PROPERTIES:

Limited to the cost associated with the improvement allocated to the benefited properties utilizing city ordinance for Local Improvement District.

C. OTHER SUPPORT:

Remaining balance of the funds contributed for the improvement of Boones Ferry Road and Country Club Road by the developer of Heritage Park Subdivision. This cost to be distributed among the lots of Heritage Park Subdivision included in the Local Improvement District.

SECTION 3. BOUNDARY OF THE PROPOSED LOCAL IMPROVEMENT DISTRICT:

All of the properties along Country Club Road located east of first lot on Astor Way and also located west of 1st lot on Boones Ferry Road and adjoining Country Club Road defines the entire Local Improvement District for Assessment purposes.

A map showing the above described district boundary is attached as Exhibit 1 and those properties within that boundary are identified in Section 4.

SECTION 4. PROPERTIES WITHIN THE LOCAL IMPROVEMENT DISTRICT:

MARION COUNTY MAP #	TAX LOT #	ADDRESS	PROPERTY OWNER
051W17BA	500	1200 Country Club	SEC Ventures LLC & others
051W17BA	600	1100 BLK Country Club	City of Woodburn
051W17BA	700	1100 BLK Country Club	City of Woodburn
051W17BA	800	1000 Country Club	Corporation Presiding Bishop
051W17BA	900	2325 N Boones Ferry	Marty Bonn's & Others
051W17BA	2900	1232 Arlington	Leach, Mark H
051W17BA	3000	1238 Arlington	Krebeduenkel, Dieter & Wanda
051W17BA	3100	1240 Arlington	Snegirev, Ivan
051W17BA	3200	1244 Arlington	Hatch, Eugene & Nanette
051W17BA	9600	1266 Arlington	Sanchez-Ruiz, Carolina
051W17BA	9700	1302 Arlington	Thompson, Archie & Roberts, Melanie
051W17BA	9800	1354 Arlington	Loftin, Mary
051W17BA	9900	1376 Arlington	Leon, Antonin & Leon, Marina
051W17BA	10000	1414 Arlington	Andraca, Jorge Garcia
051W17BA	10100	1432 Arlington	Cancino, Valerie & Joel
051W17BA	10200	1456 Arlington	Bernhardt, Patrick
051W17BA	10300	1478 Arlington	Garcia-Perez, Policarpa
051W17BA	10400	1504 Arlington	Ryan, Dale & Laura Simpson-Ryan
051W17BA	10500	1526 Arlington	Cam, Ivan

Page 2 – COUNCIL BILL NO. 2628
RESOLUTION NO. 1834

051W17BA	10600	1548 Arlington	Zamora, Jose & Aida
051W17BA	10700	1570 Arlington	Fernandez, Guadalupe
051W17BA	10800	1584 Arlington	Ferschweiler, Larry & Jolene
051W17BA	10900	1596 Arlington	Awad, Maged & Zina

**SECTION 5. COST ALLOCATION DETERMINATION
ACCORDING TO THE BENEFIT RECEIVED:**

A. PROPERTY BENEFIT DETERMINATION:

1. Properties in the Local Improvement District are determined to benefit from the improvement in proportion as stated below:
 - a. Property adjoining the improvement with front footage and direct access to Country Club Road are determined to receive 75% of the benefit.
 - b. Property adjoining the improvement with back lot footage and no direct access to Country Club Road are determined to receive 25% of the benefit

B. PROPOSED UNIT DETERMINATION FOR THE METHOD OF ASSESSMENT:

1. UNIT DETERMINATION FOR ADJOINING LINEAL FOOTAGE

- A. **UNIT OF LINEAL FRONT FOOTAGE:** All improved and unimproved properties with frontage and direct access to Country Club Road
- B. **UNIT OF BACK LOT FOOTAGE:** All Improved properties with back lot adjoining Country Club Road with no direct access to it.

2. **UNIT OF DRIVEWAY APPROACH:** Each property requiring access to Country Club Road will be assessed for each concrete approach.

SECTION 6. ENGINEERS PROJECT COST ESTIMATE:

- A. The estimated cost of improving Country Club Road in conformance with an Access Street Standard \$ 265,000
- B. The estimated cost of undergrounding Existing overhead utilities \$187,500

\$ 452,500

SECTION 7. DISTRIBUTION OF PROJECT COST:

1. Cost sharing by the city as approved by council policy and supported by approved budget

a. Street Improvement	=	\$ 54,200
-----------------------	---	-----------

b. Undergrounding Utilities = \$ 125,000
(As per council policy of 2/3 cost support)

TOTAL TO BE FUNDED BY THE CITY = \$ 179,200

Total Assessment against benefited properties

$$1. \quad \begin{array}{rcl} \text{Total cost less city support} & & \\ \$452,500 - \$179,200 & = & \$273,300 \end{array}$$

1.	Concrete Approaches	
	6@ \$500 each	\$3,000

2. Street cost including 1/3 undergrounding cost
Total assessment less concrete approaches
\$273,300-\$3000 = \$270,300

A. INDIVIDUAL PROPERTY UNITS

1. PROPERTIES WITH FRONT FOOTAGE AND DIRECT ACCESS

TAX LOT #	ADDRESS	FRONT FOOTAGE	PROPERTY OWNER
500	1200 Country Club	394.78	SEC Ventures LLC & others
600	1100 BLK Country Club	151.00	City of Woodburn
700	1100 BLK Country Club	200.00	City of Woodburn
800	1000 Country Club	289.93	Corporation Presiding Bishop
900	2325 N Boones Ferry	213.92	Marty Bonn's & Others
		1249.6	

2. PROPERTIES WITH BACK LOT FOOTAGE AND NO DIRECT ACCESS

TAX LOT #	ADDRESS	BACK LOT FOOTAGE	PROPERTY OWNER
2900	1232 Arlington	95.03	Leach, Mark H
3000	1236 Arlington	59.94	Krebeduenkel, Dieter & Wanda
3100	1240 Arlington	71.92	Snegirev, Ivan
3200	1244 Arlington	60.01	Hatch, Eugene & Nanette
9600	1266 Arlington	61.96	Sanchez-Ruiz, Carolina
9700	1302 Arlington	60.00	Thompson, Archie & Roberts, Melanie
9800	1354 Arlington	60.00	Loftin, Mary
9900	1376 Arlington	80.25	Leon, Antonin & Leon, Marina
10000	1414 Arlington	81.28	Andraca, Jorge Garcia
10100	1432 Arlington	60.00	Cancino, Valerie & Joel
10200	1456 Arlington	60.00	Bernhardt, Patrick
10300	1478 Arlington	60.00	Garcia-Perez, Policarpa
10400	1504 Arlington	60.00	Ryan, Dale & Laura Simpson-Ryan
10500	1526 Arlington	60.00	Cam, Ivan
10600	1548 Arlington	60.00	Zamora, Jose & Aida
10700	1570 Arlington	60.00	Fernandez, Guadalupe
10800	1584 Arlington	101.45	Ferschweiler, Larry & Jolene
10900	1596 Arlington	79.63	Awad, Maged & Zina
		1231.47	

B. DETERMINATION OF UNIT COST

1. COST PER LINEAL FRONT FOOTAGE AND BACK LOT FOOTAGE:

Calculation of Assessment Cost per lineal foot
(Excluding Approach Cost) = \$ 270,300

a. Fronting property with direct access@ 75%
= \$202,725

Total front footage = 1249.6 LF
Units cost per lineal front footage = \$162.23/LF

b. Back lot footage property without
direct access@ 25% = \$67,575

Total front footage = 1231.5 LF
Units cost per lineal back lot footage = \$54.87/LF

D. DRIVEWAY APPROACH COST

One driveway approach per tax lot requiring access
to Country Club Road will be assessed at a flat rate. = \$500/ea.

SECTION 8. INDIVIDUAL ESTIMATED PROPERTY ASSESSMENTS:

A. ESTIMATED ASSESSMENT COST BASED ON APPROACH, AND LINEAL ADJOINING FOOTAGE

TAX LOT #	ADDRESS	PROPERTY OWNER	COST OF APPROACH	COST BASED ON FOOTAGE	TOTAL ASSESSMENT
500	1200 Country Club	SEC Ventures LLC & others	\$1000	\$64,044.38	\$65,044.38
600	1100 BLK Country Club	City of Woodburn	\$500	\$24,496.43	\$24,996.43
700	1100 BLK Country Club	City of Woodburn	\$0	\$32,445.60	\$32,445.60
800	1000 Country Club	Corporation Presiding Bishop	\$1000	\$47,034.77	\$48,034.77
900	2325 N Boones Ferry	Marty Bonn's & Others	\$500	\$34,703.82	\$35,203.82
2900	1232 Arlington	Leach, Mark H	\$0	\$5,214.62	\$5,214.62
3000	1236 Arlington	Krebeduenkel, Dieter & Wanda	\$0	\$3,289.11	\$3,289.11
3100	1240 Arlington	Snegirev, Ivan	\$0	\$3,946.50	\$3,946.50
3200	1244 Arlington	Hatch, Eugene & Nanette	\$0	\$3,292.96	\$3,292.96
9600	1266 Arlington	Sanchez-Ruiz, Carolina	\$0	\$3,399.96	\$3,399.96
9700	1302 Arlington	Thompson, Archie &	\$0	\$3,292.41	\$3,292.41

		Roberts, Melanie			
9800	1354 Arlington	Loftin, Mary	\$0	\$3,292.41	\$3,292.41
9900	1376 Arlington	Leon, Antonin & Leon, Marina	\$0	\$4,403.59	\$4,403.59
10000	1414 Arlington	Andraca, Jorge Garcia	\$0	\$4,460.11	\$4,460.11
10100	1432 Arlington	Cancino, Valerie & Joel	\$0	\$3,292.41	\$3,292.41
10200	1456 Arlington	Bernhardt, Patrick	\$0	\$3,292.41	\$3,292.41
10300	1478 Arlington	Garcia-Perez, Policarpa	\$0	\$3,292.41	\$3,292.41
10400	1504 Arlington	Ryan, Dale & Laura Simpson-Ryan	\$0	\$3,292.41	\$3,292.41
10500	1526 Arlington	Cam, Ivan	\$0	\$3,292.41	\$3,292.41
10600	1548 Arlington	Zamora, Jose & Aida	\$0	\$3,292.41	\$3,292.41
10700	1570 Arlington	Fernandez, Guadalupe	\$0	\$3,292.41	\$3,292.41
10800	1584 Arlington	Ferschweiler, Larry & Jolene	\$0	\$5,566.91	\$5,566.91
10900	1596 Arlington	Awad, Maged & Zina	\$0	\$4,369.57	\$4,369.57
					\$273,300.00

SECTION 9. PAYMENT PLAN FOR ASSESSMENT:

A ten-year (10) payment plan is proposed for the assessment obligation.

SECTION 10. INTEREST RATE:

The Finance Director is authorized to develop a schedule and charge an interest rate, which does not exceed one-half (1/2) percent above the estimated net effective rate of bond sale. Currently this interest rate is estimated at 6.0 percent.

SECTION 11. FUNDING METHODS:

The improvement costs for the project will be supported utilizing three funding sources, the LID property assessments, council approved city support and developer contribution.

SECTION 12. FUNDING SUMMARY:

PROJECT FUNDING REQUIRED = \$ 452,500

A. CITY SUPPORT

SDC/TIFS = \$ 54,200
Street/Strom CIP = \$ 125,000

SUB TOTAL = \$ 179,200

B. LID PROPERTY ASSESSMENTS = \$ 273,300

1. SUB TOTAL = \$273,300

FUNDING TOTAL = \$452,500

**SECTION 13. REDUCTION OF ASSESSMENTS DUE TO
SPECIFIC FUNDING RECEIVED**

Defined developer contributions of \$67,600 are to be used to fund the assessment amounts of all lots in Heritage Park Subdivision as per agreement.

SECTION 14. MAXIMUM LIMIT OF ASSESSMENT AMOUNT:

It is proposed that the assessment amounts shown in this document be fixed as the maximum amount to be assessed against the properties for the said improvement. Any cost overruns will be absorbed by the city.

SECTION 15 PUBLIC HEARING

The City Council will hold a public hearing on the proposed Local Improvement District July 10, 2006 at 7:00 PM in the City Council Chambers of the City Hall, 270 Montgomery Street.

SECTION 16 NOTICE OF HEARING

That the City Recorder of the City of Woodburn is hereby directed to give notice of the City Council's intention to make the proposed improvements and notice the public hearing as outlined in Section 15

Approved as to form:

City Attorney

Date

Approved:

Kathryn Hgley, Mayor

Passed by Council

June 12, 2006

Submitted to the Mayor

June 14, 2006

Approved by the Mayor

June 14, 2006

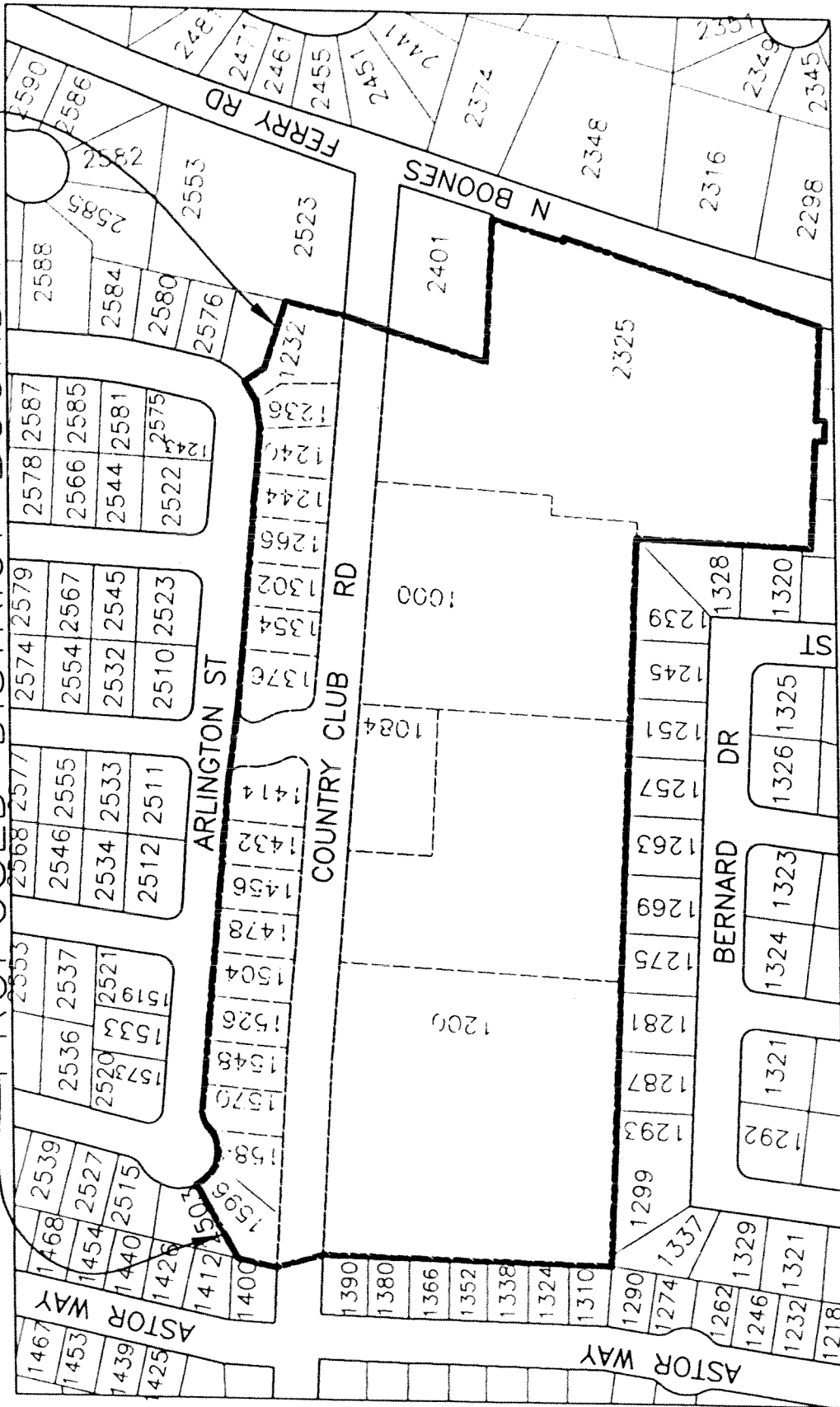
Filed in the office of the Recorder

June 14, 2006

Attest:

Mary Tennant
Mary Tennant, City Recorder
City of Woodburn, Oregon

EXHIBIT 1



July 5, 2006

TO: Mayor and City Council through City Administrator

FROM: Scott D. Russell, Chief of Police *SDR*

SUBJECT: **Police Training Assessment Ordinance**

RECOMMENDATION:

It is recommended that the City Council enact the attached ordinance to establish a police training assessment.

BACKGROUND:

Proper police management can be defined as having three elements; providing proper training, having current defensible policies, and utilizing proper progressive discipline to enforce the policies. Without proper training as the basis for it, proper management cannot occur and problem conduct will arise with little means to prevent or correct it. Improper police practice often leads to significant litigation and cost.

Locally, funding for police training has remained relatively unchanged for the past few years. To increase local training, the department utilizes intergovernmental agreements and training exchanges as much as possible. In addition to the local need to increase police training, the Department of Public Safety Standards and Training (DPSST), the state agency that provides initial police training and oversees ongoing training, has recently established certain mandatory continuing training. This training is required for officers to maintain their police certification through the State of Oregon. This training is described in more detail in the budget documents. Costs of this training continue to escalate and while the department has entered in several partnerships to reduce our costs, some costs cannot be mitigated.

To offset increasing police training costs, other Oregon cities have adopted a fee earmarked for police training. The cities of Milwaukie, Carlton, Yamhill, Amity, Newberg and McMinnville, to name a few, all have municipal assessments for various purposes including police functions.

Agenda Item Review:

City Administrator *SDR*

City Attorney *NLS*

Finance *Ben*

This police-training fee is an assessment added to each municipal citation issued by the department. The fee ranges from \$7.00 to \$10.00 in Oregon. We believe a \$5.00 assessment is sufficient to support Woodburn's police training needs for the foreseeable future. A conservative calculation of expected revenue for this purpose is as follows:

800 citations per month x 50% conviction rate x \$5 per citation x 12 months = \$24,000 annually.

At its April 8, 2006 meeting, the Woodburn Budget Committee recommended an increase in the Woodburn Police Department training budget based upon revenue generated from these proposed assessments.

DISCUSSION:

Municipal assessments such as this may be established, but must be within the maximum fine amount allowed by state statute. The City cannot authorize additional amounts above the maximum fine because it does not have the authority. In addition, the assessments can only be levied upon conviction of the defendant. This is because the authority is through the sentencing authority of the court.

The assessment basically "earmarks" general fund revenue received as fines by the City. These municipal assessments give political justification for raising the minimum base fine schedules. Providing for the assessments by Ordinance is preferable so the City Council knows about them and has control of them. Further, if the purpose is to establish assessments that support a particular function, such as Police Training, it is appropriate to have the governing body establish such a commitment on behalf of the City.

FINANCIAL IMPACT:

Revenue from Police Training Assessments is reflected in the recommended FY 2006-2007 Woodburn Police Department Budget and no significant change is anticipated.

COUNCIL BILL NO.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A POLICE TRAINING ASSESSMENT TO BE IMPOSED IN TRAFFIC VIOLATION CASES

WHEREAS, the Woodburn Police Department incurs costs in issuing traffic citations, including the cost of police training; and

WHEREAS, individuals who commit traffic offenses should pay for a portion of the costs incurred for police training; and

WHEREAS, by this ordinance, a Police Training Assessment is established as a funding source to assist in paying the costs of police training; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Whenever the Woodburn Municipal Court imposes a fine or orders a forfeiture for a traffic violation, a Police Training Assessment in an amount of \$5.00 shall be imposed in addition to the amount of the fine or forfeiture.

Section 2. Proceeds from the payment of Police Training Assessments shall be used for Woodburn Police Department training.

Section 3. The Woodburn City Council determines that the Police Training Assessment does not constitute a tax under the Oregon Constitution and is not subject to the property tax limitation of Article XI, Section 11(b).

Approved as to form:


City Attorney

7/7/2006
Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____


Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____
Mary Tennant City Recorder
City of Woodburn, Oregon

July 10, 2006

TO: Honorable Mayor and City Council

FROM: John C. Brown, City Administrator 

SUBJECT: **Policy for Outside City Limits Utility Service**

RECOMMENDATION:

Approve the attached ordinance regarding discontinuance of city utility services to properties located outside of the city limits.

BACKGROUND:

It is City Council policy to require new customers located outside the city limits to annex their property to the City to obtain water and sewer services. Upgrades to currently provided utility services also require annexation. The City Attorney has advised any utility service provided outside of the city limits is at the discretion of the Council regardless of previous service or length of time the service was provided.

The City has historically provided water and/or wastewater service to a limited number of properties outside city boundaries. There are currently 16 such properties. Of those, eight (8) are residential users, mainly located just east of Pacific Highway. The remaining eight (8) are all commercial properties, located directly on Pacific Highway. All of these properties are located adjacent to existing city boundaries.

At its May 22, 2006 meeting, the City Council discontinued city water service to 280 South Pacific Highway. During deliberations on the matter, Council asked staff to develop an ordinance that sets forth policy regarding the discontinuance of service to properties outside of existing city boundaries.

DISCUSSION:

The attached ordinance provides policy guidelines for terminating utility service to properties outside city limits under the circumstances discussed with Council this past spring. The overarching policy consideration in developing this

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

ordinance is that all properties that enjoy city services, and which place demand on city systems, should be subject to the same terms, conditions, costs, and regulations. Because annexation places properties on that even footing, staff recommends the policy goal should be to assure all properties that receive city services should be located within city limits as soon as circumstances allow.

The attached ordinance reiterates the Council's policy that municipal water and/or sewer service will not be provided to properties located outside city limits without agreement to annex, and allows properties outside city limits that are currently provided water and/or sewer service by the City to continue to receive those services until:

- municipal water and/or sewer use on the property ceases continuously for at least six (6) months; or
- a change in use, or a material change in operations resulting in an increase in the use of water and/or sewer service occurs; or
- the property is sold or title to the property changes.

The ordinance also provides due process and the opportunity for a hearing before the City Council in instances where existing service is discontinued.

During the Council's discussions on this matter, concerns were raised about the circumstances of changes of ownership. The possibility of an exemption was discussed briefly for changes of ownership resulting from inheritance of property. The attached ordinance does not provide such an exemption, since a broad exemption on that basis appears contrary to the goal of subjecting all properties receiving city services to the same terms, conditions, costs, and regulations as quickly as possible. Should the Council wish to make distinctions with respect to particular properties and specific circumstances, they may do so if asked by a property owner exercising the due process provisions of the ordinance.

FINANCIAL IMPACT:

There will no immediate financial impact to this decision. Longer term financial impact will include increased property tax revenues and systems development fees to be paid by annexed properties. Such amounts are difficult to calculate at the present, as they will be based on the property valuations and fees in effect at the time of an annexation.

COUNCIL BILL NO.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING POLICY FOR THE PROVISION OF MUNICIPAL SEWER AND WATER SERVICE TO PROPERTIES LOCATED OUTSIDE CITY BOUNDARIES.

WHEREAS, due to historical development the City currently provides water and/or wastewater service to a limited number of properties outside City boundaries; and

WHEREAS, these properties outside City boundaries have at least one property line that is adjacent to an established City boundary; and

WHEREAS, the City Council has determined that City services will not be provided to any additional properties outside City boundaries unless the property is annexed to the City; and

WHEREAS, the City Council has determined that no service upgrades will be permitted to properties located outside City boundaries unless the property is annexed to the City; and

WHEREAS, the City has determined that the City will terminate municipal sewer and water service to properties located outside corporate City boundaries when certain conditions exist; and

WHEREAS, the City Council believes that in the interest of fairness and consistency, it is desirable to set forth City policy in this Ordinance; and

WHEREAS, notwithstanding the policy set forth in this Ordinance, the City Council has the legal right, at its discretion and at any time, to terminate water and/or sewer service to properties currently served outside City boundaries; **NOW, THEREFORE**,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Municipal water and/or sewer service will not be provided to properties located outside City boundaries except as provided in this Ordinance.

Section 2. Property outside City boundaries that is not currently provided water and/or sewer service by the City may obtain a connection to municipal water and/or sewer service only if the property is first annexed into the City.


Section 3. Property outside City boundaries that is currently provided water and/or sewer service by the City shall continue to receive such service unless any of the following events occur:

A. Municipal water and/or sewer use on the property ceases for a continuous period of at least six (6) months; or

- B. A change in use; or
- C. A change in operations resulting in a material increase in the use of water and/or sewer service; or
- D. A change in ownership or title to the property

Section 4. Municipal water and/or sewer service will not be discontinued until notice and an opportunity for a hearing have been given to the occupant and to the owner of record of the involved property. The notice shall be personally served or mailed by certified mail and shall state that thirty (30) days after the date of which the notice is given, service to the property will be discontinued. The notice shall also state that, before such date, a hearing may be requested on the matter, in which case service will not be discontinued until after the hearing is held. If a hearing is requested, a hearing date shall be set and all interested parties shall have the opportunity to address the City Council on the discontinuance of municipal water and/or sewer service. The City Council will then decide whether service shall be discontinued.

Section 5. Nothing in this Ordinance shall limit the power of the City Council and City Administrator to contract with parties to provide municipal water and/or sewer service to property located inside or outside the corporate City boundaries.

Approved as to form:  7-7-2006
City Attorney Date

Approved: _____
Kathryn Figley, Mayor

Passed by the Council _____

Submitted to the Mayor _____

Approved by the Mayor _____

Filed in the Office of the Recorder _____

ATTEST: _____
Mary Tennant City Recorder
City of Woodburn, Oregon

July 10, 2006

TO: Honorable Mayor and City Council through City Administrator
FROM: John C. Brown, City Administrator
SUBJECT: **Memorandum of Understanding Concerning Amendments to Woodburn's Comprehensive Plan and Urban Growth Boundary**

RECOMMENDATION:


It is recommended the City Council approve, and authorize the Mayor to execute, the attached Memorandum of Understanding Concerning Amendments to Woodburn's Comprehensive Plan and Urban Growth Boundary.

BACKGROUND:

At its June 26, 2006 meeting, the Woodburn City Council approved a draft memorandum of understanding between the City and Marion County concerning amendments to Woodburn's comprehensive plan and urban growth boundary. Council authorized the Mayor to execute a final version of the draft, including any non-substantive changes, but requested any substantive changes sought by the County would be returned for further Council consideration

DISCUSSION:

After further discussion with the County, one substantive change to the MOU is recommended. The change obligates the City to update its housing needs analysis based on a revised coordinated population projection. County and City planners agree the lack of this step greatly decreases an applicant's chances for a successful post-acknowledgment amendment of the UGB. The attached MOU provides, following the County's completion of a revised coordinated population projection to the year 2030, the City will update its residential housing needs analysis. The updated analysis will take only the 2030 population projection into account. All other assumptions related to the analysis that was approved by the City Council, and will be approved by the County, will remain unchanged.

Agenda Item Review: City Administrator 

City Attorney 

Finance 

In summary, obligations of the County and City pursuant to the MOU are as follows:

- The County will adopt an ordinance approving the comprehensive plan and urban growth boundary amendments comprised in the City's periodic review Order #00794
- The County will, at its expense, review and recalculate its population projections to the year 2030.
- The City will update its residential housing needs analysis when the County revises the coordinated population projection. Population will be the only factor that changes in the housing needs analysis; all other assumptions will remain unchanged.
- Following an update of the housing needs analysis, the City will consider applications to amend its comprehensive plan to include additional properties, including the Tukwila, Woodburn School District and Serres properties, within its urban growth boundary if substantiated by the new population projection figures.
- The City will facilitate, and coordinate review with the County of, the landowners' applications. Landowners will be responsible for justifying their applications and paying for their costs for legal and professional services.
- The City will process these applications even if the periodic review work task amendments made by the City pursuant to Order #00794 are still subject to review, appeal or remand at or from the state level.
- Neither party is obligated to approve any land use action that is not supported by substantial evidence or is not consistent with state and local standards and criteria.

The changes noted in the attached draft do not significantly increase the City's responsibilities or costs under the MOU. Accordingly, your approval of the attached document is recommended. It is anticipated the County will consider an order approving the City's comprehensive plan and urban growth boundary amendments and the attached memorandum of understanding at its July 12, 2006 meeting.

FINANCIAL IMPACT:

No cost estimate was made related to the recommended action. The City's planning consultant has indicated, however, that updating the housing needs analysis requires minimal time and effort. Processing fees should largely offset other City costs, associated with facilitating applications for post-acknowledgement amendment.

MEMORANDUM OF UNDERSTANDING

This agreement is entered into by and between Marion County (“the County”), a political subdivision of the State of Oregon, and the City of Woodburn (“the City”), a municipal corporation, to memorialize the parties’ understanding concerning amendments to the city’s comprehensive plan and urban growth boundary.

Recitals:

Pursuant to periodic review Order #00794, the City has approved amendments to its comprehensive plan and urban growth boundary and submitted those amendments to the County for its approval in accordance with ORS 195.020 and 195.025.

The Marion County Board of Commissioners held two public hearings on the proposed amendments and voted to approve the amendments without modifications with the understanding that the city will consider amendments to its comprehensive plan and urban growth boundary to include properties the County believes could have been, but were not included in the City’s periodic review amendments.

The city council has reviewed and considered the County’s position and authorized the execution of this agreement.

Now, therefore, the parties agree as follows:

1. After it has adopted an ordinance approving the comprehensive plan and urban growth boundary amendments comprised in the city’s periodic review Order #00794, the County will commence a review and recalculation of its population projections to the year 2030 and density guidelines. This review will be performed at the County’s expense as expeditiously as reasonably possible.
2. When the population projections review is completed, the City shall, based upon the 2030 population projection, re-evaluate its residential housing needs analysis. All other existing sets of assumptions will be used and other factors will remain unchanged. The City shall consider amendments to its comprehensive plan to include additional properties, including the Tukwila, Woodburn School District and Serres properties, within its urban growth boundary if substantiated by the new population projection figures and residential housing needs analysis. The City will facilitate the landowners’ applications and coordinate during and after review of the applications with the County. Landowners who participate in this process shall be responsible for providing legal justification for their applications and paying for their own costs of legal and other professional services.
3. These applications will be processed by the City even if the periodic review work task amendments made by the City pursuant to Order #00794 are still subject to review, appeal or remand.

4. Nothing in this memorandum will require the parties to approve any land use action that is not supported by substantial evidence or is not consistent with state and local standards and criteria.

5. This memorandum memorializes an understanding between the City and County and shall not be enforceable by any third parties.

CITY OF WOODBURN

MARION COUNTY

By _____
Mayor

Chair

Date: _____

Commissioner

Commissioner

Date: _____

Agenda Item

July 10, 2006

TO: Honorable Mayor and City Council through City Administrator

FROM: Naomi Zwerdling, Interim Community Development Director *N.Z.*

SUBJECT: Planning Commission's Approval of Variance 06-08 located at 120 Smith Drive

RECOMMENDATION:

No action is recommended. This item is placed before the City Council for information purposes in compliance with the Woodburn Development Ordinance. The City Council may call up this item for review if it desires.

BACKGROUND:

On June 22, 2006, the Planning Commission adopted a final order approving Variance 06-08 to reduce the 20 foot setback abutting a street (Workman Drive) required in Section 2.102.06.C.1.a.1 to be reduced to 14.75 feet. The proposed expansion will not create a situation where a car will be overhanging into the right of way on Workman Drive because a garage door is not proposed on the south façade of the proposed addition.

The property is located at 120 Smith Drive and is further identified on Marion County Assessor maps as Township 5 South, Range 1 West, Section 18BB, Tax Lot 2200. The property is .23 acres in size with an existing single family dwelling. The subject property is zoned Single Family Residential (RS), designated as Residential Less Than 12 Units Per Acre on the Woodburn Comprehensive Plan Map, and is the location of a single family dwelling. The surrounding properties are also zoned RS, designated as Residential Less Than 12 Units Per Acre on the Woodburn Comprehensive Plan Map, and are the location of single family dwellings.

The subject property is polygon shaped and is a corner lot located at the southeast corner of the intersection of Smith Drive and Workman Drive. The front of the property faces Smith Drive creating a sideways lot orientation. The applicant is requesting variance approval to reduce the rear yard setback from 20 feet to 14.75 feet to allow for the expansion of the existing garage on the

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subject site to accommodate a hobby shop, secured vehicle parking area, and storage area.

A previous land use action on this property is Zoning Adjustment 05-02 allowing for the applicant to reduce the rear yard setbacks from 24 feet to 19.42 feet to accommodate a garage expansion.

The applicant is Wallace W. Lien and the property owner is David E. Emmenegger.

DISCUSSION:

None.

FINANCIAL IMPACT:

There is no financial impact associated with the recommended action.

Agenda Item

July 10, 2006

TO: Honorable Mayor and City Council through City Administrator

FROM: Naomi Zwerdling, Interim Community Development Director **N.Z.**

SUBJECT: Planning Commission's Approval of Sign Design Review 06-04 and Variance 06-02 located at 1800 West Hayes Street (Nellie Muir Elementary School)

RECOMMENDATION:

No action is recommended. This item is placed before the City Council for information purposes in compliance with the Woodburn Development Ordinance. The City Council may call up this item for review if it desires.

BACKGROUND:


On June 22, 2006, the Planning Commission adopted a final order approving Sign Design Review 06-04 and Variance 06-02 for sign design approval for a pole sign (incorporating a readerboard) and variances to Section 3.110 of the Woodburn Development Ordinance to allow for a pole sign in the P/SP zone; to allow the proposed pole sign to exceed 6 feet in height; and to allow for internal illumination of the proposed pole sign.

The subject property is located at 1800 West Hayes Street. It can be identified specifically on Marion County Assessor Map T5S, 2W, Section 12DD, Tax Lot #6300. The subject property is approximately 9.95 acres in area with 726 feet of frontage on West Hayes Street and 100 feet of frontage on Cascade Drive. No wetlands are located on the subject site and it is located outside of the 500 year floodplain.

The subject property is zoned Public/Semi-Public (P/SP) and designated Public Use on the Woodburn Comprehensive Plan Map. Nellie Muir Elementary School is located on the subject site. The property located to the north, across West Hayes Street, is zoned Medium Density Residential, designated Residential Greater than 12 Units Per Acre on the Woodburn Comprehensive Plan Map, and is the location of a mobile home park. The property located to the south of the subject site is zoned Marion County "Urban Transition Farm" (UTF), designated

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Residential Less Than 12 Units Per Acre on the Woodburn Comprehensive Plan Map and is vacant. The properties located to the west of the subject site are zoned Retirement Community Single Family Residential (R1S), designated Residential Less Than 12 Units Per Acre on the Woodburn Comprehensive Plan Map and are the location of single family dwellings. The property located to the east of the subject site is zoned Single Family Residential (RS), designated Residential Less Than 12 Units Per Acre on the Woodburn Comprehensive Plan Map and is the location of a church.

The Woodburn School District (WSD) is proposing to remove the existing 54 square foot reader board sign currently attached to the north side of the building and place a new 32 square foot pole sign (incorporating a readerboard) 12 feet in height approximately 10 feet from the front property line adjacent to West Hayes Street in the landscaped area located to the west of the parking lot/driveway access located north of the school building. The WSD is proposing a pole sign instead of a monument sign adjacent to West Hayes Street to raise the height of the sign to increase visibility to traffic entering and exiting the driveway accesses. The increased height of the sign is also intended to improve the visibility of the sign which is intended to inform students, parents and the general public of location and general activities of the school located on the subject site.

The applicant/property owner is the Woodburn School District.

DISCUSSION:

None.

FINANCIAL IMPACT:

There is no financial impact associated with the recommended action.